

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GARRETT GILLESPIE,

Plaintiff,

Case No. 2:16-cv-01318–KG-KRS

vs.

NATIONWIDE INSURANCE COMPANY OF AMERICA a/k/a ALLIED INSURANCE COMPANY OF AMERICA; NATIONWIDE INSURANCE COMPANY OF AMERICA a/k/a DEPOSITORS INSURANCE COMPANY; ACUITY, A MUTUAL INSURANCE COMPANY; and MARIA GIACCIO,

Defendants.

ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER having come before the Court on the parties’ Joint Motion for Dismissal with Prejudice, and the Court having considered the Joint Motion and being otherwise advised in the premises hereby **FINDS:**

Plaintiff, Garrett Gillespie, and Defendants, (1) Nationwide Insurance Company of America a/k/a Allied Insurance Company of America, Nationwide Insurance Company of America a/k/a Depositors Insurance Company (hereinafter referred to as “Nationwide”), and (2) Acuity, a Mutual Insurance Company (“Acuity”) (Nationwide and Acuity hereinafter collectively referred to as “Defendants”), have entered into a settlement of all issues of law and fact in this case, have agreed that any and all claims and damages that were brought or that could have been brought herein by and between the parties are to be dismissed with prejudice, have agreed to bear their own costs and attorneys’ fees, and have requested that this Court issue an Order of Dismissal with Prejudice dismissing Plaintiff’s Complaint for Negligence, Declaratory

Judgment, Breach of Contract, and Damages (Complaint) filed in the Third Judicial District Court on September 7, 2016, and removed to this Court on December 2, 2016.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:


1. Plaintiff's Complaint is dismissed in its entirety and with prejudice as to Nationwide, Acuity, and Maria Giaccio.¹

2. Any and all claims and damages that were brought or that could have been brought herein by and between the parties are dismissed with prejudice.

3. The parties are to bear their own costs and attorneys' fees.

4. All claims of every nature asserted by Plaintiff against Defendants and Maria Giaccio in this suit are hereby dismissed with prejudice. There are no claims of any kind remaining.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

¹ For clarity, Maria Giaccio was not served and did not voluntarily answer or appear in this case. Nonetheless, Plaintiff's claims against Maria Giaccio are also dismissed with prejudice.

Approved as to Form and Substance:

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